

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In Re: Theresa Pearson  
Debtor

CASE NO.: 20-10424-BAH  
CHAPTER 13

**OBJECTION TO CONFIRMATION OF THE PLAN**

**Now Comes** Katherine Drisko, creditor in the above referenced Chapter 13 case and hereby Objects to the Confirmation of the Plan. In support of the objection the following is stated:

1. The confirmation hearing in this case is scheduled for August 14, 2020.
2. On July 15, 2020 Katherine Drisko filed a proof of claim in the amount of \$402,146.92. Claim # 5. The claim is secured by the debtor's residence. The claim is *prima facie* valid under 11 U.S.C. § 502(a); Fed. R. Bankr. P. 3001(f).
3. In discussions with debtor's counsel, the debtor disputes the claim and an action will be undertaken to resolve the claim.
4. Until the claim is resolved, the Proposed Chapter 13 Plan should not be confirmed.
5. Should the debtor fail to dispute the claim, the debtor bears the burden of demonstrating that the requisite tests for confirmation outlined in § 1325(a) of the Code have been met. Debtor cannot do so under the current proposed plan.
6. Creditor Katherine Drisko also disputes the feasibility of the debtor selling her ½ interest in the residential real estate and asserts that even if possible, the 12-month timeframe to do so is unreasonable.
7. Creditor Katherine Drisko also disputes the proposed payment amount of \$400.00 per month towards the Drisko mortgage as the amount would not cure the pre-petition arrearage amount.
8. This Court should deny confirmation of the Plan because it fails to provide for the proper treatment of the Drisko claim as required by 11 U.S.C. § 1325 (a)(5).

**WHEREFORE**, Creditor Katherine Drisko respectfully requests this court to:

- A. Deny confirmation of the debtor's Chapter 13 Plan; and
- B. Grant such other relief as is fair and equitable.

Respectfully submitted,  
**Katherine Drisko**  
by and through counsel,

Date: July 29, 2020

/s/ Brad Davis  
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